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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,661	10/23/2001	James J. Alwan	5957-16203	2453

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EXAMINER	
TRAN, DZUNG D	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/045,661	ALWAN ET AL.	
	Examiner	Art Unit	
	Dzung D. Tran	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7,8,11-23 and 26-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-4,7,8,11-14,23 and 26-45* is/are allowed.

6)☒ Claim(s) *15-18 and 21* is/are rejected.

7)☒ Claim(s) *19, 20 and 22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The indicated allowability of claims 15-18 and 21 are withdrawn in view of the following rejections as follow.

Specification

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-18 and 21 are rejected under 35 U.S.C. 1O2(e) as being anticipated by Traa U.S. patent no. 6,222,660.

Regarding claim 15, Traa discloses a method for increasing an operation range of a photodiode detector for use in a communication system, the method comprising:

a first node having a photodiode detector 10 (col. 2, line 40) configured to monitoring the receive power level of an incoming communication beam (see figure 1);

a current sense module (elements 16, 14, col. 2, line 30) configured to sense a incoming photocurrent to the APD 10 (col. 2, line 36);

Traa further discloses in col. 3, lines 1-6, the obtaining anoptimum bias voltage for the APD by controlling the attenuator base on a family of constant optical power level curves are generated (see figure 2), with each optical power level being determined by the programmable optical attenuator 26 in response to the attenuation command from the controller 18 (equivalent to first attenuation control) is configured to disable (e.g. decrease the attenuation level to minimum) and enable (e.g. increase the attenuation level to maximum) the first optical attenuator to keep the power level of the incoming communication beam to within the operational range of the photodiode detector.

Regarding claims 17 and 18, Traa discloses a first optical attenuator 26 (col. 2, line 59) coupled to the first node and configured to attenuate the incoming communication beam prior to it reaching the photodiode detector 10 (see figure 1) and a first attenuation control module (e.g. controller 18, col. 2, line 65) configured to control the first optical attenuator to maintain a power level of the incoming communication beam to within an operational range of the photodiode detector (col. 2, lines 65-67).

Regarding claims 16 and 21, Traa discloses a method for controlling incoming laser power in a communication system which includes a first node and a second node where the second node transmits a communication beam to the first node and where the first node includes a first attenuator 26 (col. 2, line 59), the method comprising:

a photodiode detector 10 (col. 2, line 40) configured to receive an incoming communication beam (see figure 1);

Traa further discloses in col. 3, lines 1-6, the obtaining an optimum bias voltage for the APD by controlling the attenuator base on a family of constant optical power level curves are generated (see figure 2), with each optical power level being determined by the programmable optical attenuator 26 in response to the attenuation command from the controller 18 (equivalent to first attenuation control) is configured to disable (e.g. decrease the attenuation level to minimum) and enable (e.g. increase the attenuation level to maximum) the first optical attenuator to keep the power level of the incoming communication beam to within the operational range of the photodiode detector.

4. Claims 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 1-4, 7, 8, 11-14, 23, and 26-45 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 15-18 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran

Dzung Tran
05/13/2006